

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LINDA WATTS,

Civil Action File No.

Plaintiff,

v.

WAL-MART STORES, INC.,
WAL-MART STORES EAST, LP.,

Defendants.

NOTICE OF REMOVAL

COME NOW WAL-MART STORES, INC. and WAL-MART STORES EAST, LP, named Defendants in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendants WAL-MART STORES, INC. and WAL-MART STORES EAST, LP in the State Court of Gwinnett County, Georgia, which is within the Atlanta Division of this Court. 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 18-C-07392-2. Plaintiff's claims against Defendants include claims of negligence.

2.

Plaintiff filed the Complaint on or about September 24, 2018. Defendants

WAL-MART STORES, INC. and WAL-MART STORES EAST, LP received service of summons and a copy of the Complaint on September 26, 2018. Defendants WAL-MART STORES, INC. and WAL-MART STORES EAST, LP file this notice of Removal within thirty (30) days after service of summons and a copy of this Complaint.

3.

Defendant Wal-Mart Stores, Inc. (erroneously named) is a Delaware corporation with its principal place of business in the State of Arkansas. Defendant Wal-Mart Stores, Inc. was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter. The principal place of business for Wal-Mart Stores, Inc. is 702 SW 8th Street, Bentonville, AR 72716.

4.

Defendant WAL-MART STORES EAST, LP is a Delaware limited partnership, of which WSE Management, LLC is the only general partner, and WSE Investment, LLC is the only limited partner. The sole member of WSE Management, LLC and of WSE Investment, LLC is Wal-Mart Stores East, LLC, and the sole member of Wal-Mart Stores East, LLC is Walmart Inc. Walmart Inc. is a Delaware corporation with its principal place of business in the State of Arkansas, and it was not a citizen

of the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit or at any time thereafter. The principal place of business for all entities mentioned in this paragraph is 702 SW 8th Street, Bentonville, AR 72716.

5.

Linda Watts is a citizen of the State of Georgia.

6.

Complete diversity of citizenship exists between Plaintiff and Defendants.

7.

Plaintiff claims injuries to her neck, back and right shoulder, including a 13mm Avulsion Fracture of her right shoulder, full thickness rotator cuff tear requiring surgery; pain and suffering; past medical expenses of \$72,918.98 (see Letter attached as Exhibit "A"), future medical expenses and also seeks punitive damages. The amount in controversy, exclusive of interest and costs, exceeds \$75,000.

8.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendants.

9.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendants have attached as

Exhibit "B" copies of all the pleadings that were provided to and served upon Defendants, including copies of all pleadings that have been filed to date in the State Court of Gwinnett County, Georgia for the above-styled case.

10.

Pursuant to 28 U.S.C. § 1446, Defendants are not required to file a removal bond.

11.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

12.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Gwinnett County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendants WAL-MART STORES, INC. and WAL-MART STORES EAST, LP pray that the above-captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger
Howard M. Lessinger
Georgia State Bar No. 447088

/s/ Jennie Rogers

Jennie Rogers
Georgia Bar No. 612725
Attorneys for Defendants
WAL-MART STORES, INC.
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E.
Suite 500
Atlanta GA 30326-3240
(404) 266-9171
(404) 365-4514
(404) 364-3138 (Fax)
hlessinger@mmatllaw.com

The undersigned counsel certifies that the foregoing Notice of Removal has been prepared with one of the font and point selections approved by the court in LR 5.1B.

/s/ Howard M. Lessinger
Howard M. Lessinger

CERTIFICATE OF SERVICE

This is to certify that on October 11, 2018, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger

Howard M. Lessinger
Georgia State Bar No. 447088
Attorneys for Defendants
WAL-MART STORES, INC.
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E.
Suite 500
Atlanta GA 30326-3240
(404) 266-9171
hlessinger@mmatllaw.com